IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Letters Patent Appeal No. 280 of 2005
In
Writ Petition No. 721 of 2003

Shri Yeshwant Rajaram Pawar & Ors. .. Appellants
V/s.
Laxman Mhadu Sarak & Ors. .. Respondents

Mr. Sandesh D. Patil for the Appellants
None present for the Respondents

CORAM : DR. S. RADHAKRISHNAN &
SMT. V.K. TAHILRAMANI, JJ.
DATED : 20.12.2005.

P.C.:-

1. Heard the learned counsel for the Appellants. We have perused the order of the learned Single Judge dated 28.11.2005 passed in Writ Petition No. 721 of 2003 exercising the powers under Article 227 of the Constitution of India. Even the averments in the Writ Petition, specially grounds therein make it abundantly clear that the Appellant had filed Writ Petition under Article 227 of the Constitution of India.

2. Even otherwise, the Tahsildar as well as the Additional Commissioner have clearly held that the Respondent No. 1, who is a tribal, is entitled to be restored with the land. The aforesaid concurrent findings of both the lower Courts have been upheld by the learned Single Judge in the aforesaid Writ Petition. The present Letters Patent Appeal is totally misconceived, hence the same stands dismissed.

(DR. S. RADHAKRISHNAN, J.)

(SMT. V.K. TAHILRAMANI, J.)